

106TH CONGRESS
2D SESSION

H. R. 3652

To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Secretary of the Army to prohibit ocean dumping at the Historic Area Remediation Site, located east of Sandy Hook, New Jersey, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2000

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Secretary of the Army to prohibit ocean dumping at the Historic Area Remediation Site, located east of Sandy Hook, New Jersey, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mud Dump Permanent
5 Closure and Remediation Act of 2000”.

1 **SEC. 2. PERMANENT DUMPING BAN AT HISTORIC AREA RE-**
2 **MEDIATION SITE.**

3 Section 103 of the Marine Protection, Research, and
4 Sanctuaries Act of 1972 (33 U.S.C. 1413) is amended by
5 adding at the end the following:

6 “(f) HISTORIC AREA REMEDIATION SITE.—

7 “(1) PROHIBITION ON OCEAN DUMPING.—Ex-
8 cept as provided by paragraph (2), after the date of
9 enactment of this subsection, dumping shall be pro-
10 hibited at the Historic Area Remediation Site (as
11 defined in subsection (g)).

12 “(2) PERMITS FOR REMEDIATION.—After the
13 date of issuance of standards for remediation mate-
14 rials under subsection (g), the Secretary may issue
15 permits under this section authorizing the transpor-
16 tation of dredged materials to the Historic Area Re-
17 mediation Site solely for the purpose of providing for
18 remediation of the site.

19 “(3) REMEDIATION TO BE FOLLOWED BY PER-
20 MANENT CLOSURE.—Upon satisfying the goal speci-
21 fied in subsection (g)(2)(B) at the Historic Area Re-
22 mediation Site, as determined by the Administrator,
23 the Secretary shall not issue any further permits
24 under this section authorizing the transportation of
25 dredged materials to the site for any purpose.

1 “(4) EXISTING PERMITS.—A permit issued
 2 under this section before the date of enactment of
 3 this subsection shall not be effective to the extent
 4 that the permit authorizes dumping in violation of
 5 this subsection.

6 “(5) ADVANCE NOTICE OF PERMITS.—At least
 7 30 days before issuing a permit under paragraph
 8 (2), the Secretary shall provide written notice of the
 9 permit to the Governors of the States of New York
 10 and New Jersey and to each Member of Congress
 11 representing one of such States. This paragraph
 12 shall not be construed to affect any notification re-
 13 quirement under any other provision of law.”.

14 **SEC. 3. STANDARDS FOR REMEDIATION MATERIALS.**

15 Section 103 of the Marine Protection, Research, and
 16 Sanctuaries Act of 1972 (33 U.S.C. 1413) is further
 17 amended by adding at the end the following:

18 “(g) STANDARDS FOR REMEDIATION MATERIALS.—

19 “(1) DEVELOPMENT OF STANDARDS.—Not
 20 later than 90 days after the date of enactment of
 21 this subsection, the Administrator, in consultation
 22 with the Under Secretary for Oceans and Atmos-
 23 phere, shall develop and publish in the Federal Reg-
 24 ister standards for evaluating dredged materials to

1 be used solely for remediation purposes at the His-
2 toric Area Remediation Site.

3 “(2) REQUIREMENTS FOR STANDARDS.—

4 “(A) IN GENERAL.—In developing stand-
5 ards under paragraph (1), the Administrator
6 shall ensure that the materials used for
7 remediation—

8 “(i) contain significantly lower levels
9 of contaminants (as referred to in section
10 227.6 of title 40, Code of Federal Regula-
11 tions), including polycyclic aromatic hydro-
12 carbons and polychlorinated biphenyls, than
13 exist at the Historic Area Remediation
14 Site;

15 “(ii) will significantly reduce contami-
16 nation levels in biota and sediments at the
17 Historic Area Remediation Site; and

18 “(iii) will reduce both the number, ex-
19 tent, and magnitude of undesirable effects
20 on marine life in and around the Historic
21 Area Remediation Site, including through
22 bioaccumulation.

23 “(B) GOAL.—The goal of the standards to
24 be developed under paragraph (1) shall be to
25 reduce the level of contamination at the His-

1 toric Area Remediation Site to a level that re-
2 flects background ambient contamination levels
3 in the ocean.

4 “(3) NOTICE AND COMMENT.—The Adminis-
5 trator shall provide notice and an opportunity for
6 public comment before issuing final standards under
7 paragraph (1).

8 “(4) DEFINITIONS.—In this subsection, the fol-
9 lowing definitions apply:

10 “(A) BACKGROUND AMBIENT CONTAMINA-
11 TION LEVELS.—The term ‘background ambient
12 contamination levels’ means a level of contami-
13 nation that is substantially equivalent to or less
14 than—

15 “(i) the levels of contamination in
16 biota and sediments found occurring natu-
17 rally in the ocean in areas that have never
18 been impacted by ocean dumping; and

19 “(ii) the levels of contamination found
20 in the clean reference sediments used by
21 the Environmental Protection Agency when
22 testing and evaluating remediation mate-
23 rials to be deposited at the Historic Area
24 Remediation Site.

1 “(B) CLEAN REFERENCE SEDIMENTS.—

2 The term ‘clean reference sediments’ means a
3 sediment, substantially free of contaminants,
4 that is as similar to the grain size of the
5 dredged material and the sediment at the dis-
6 posal site as practical, and reflects conditions
7 that would exist in the vicinity of the disposal
8 site had no dredged material disposal ever oc-
9 curred, but had all other influences on sediment
10 taken place.

11 “(C) HISTORIC AREA REMEDIATION
12 SITE.—The term ‘Historic Area Remediation
13 Site’ means the dredged material disposal area
14 known by that name that is located east of
15 Sandy Hook, New Jersey, and described in sec-
16 tion 228.15(d)(6) of title 40, Code of Federal
17 Regulations (as in effect on July 1, 1999).”.

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